

Town of Westwood
Commonwealth of Massachusetts

John Rogers, Chairman
Stephen David
Vesna Maneva
Debra Odeh
Todd Sullivan
Todd Weston



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CONSERVATION COMMISSION

Minutes: Conservation Commission Meeting Date:
Wednesday, September 20, 2022
Remote Meeting

7:00 p.m. - Call to Order

Pursuant to Governor Baker's June 16, 2021, Order extending Certain Provisions of the Open Meeting Law MGL C. 30A, §18, and an extension to allow for remote participation until July 15, 2022; the September 20, 2022, [Conservation Commission Meeting](#) conducted via remote participation held concurrently with a meeting of the Planning Board. Those wishing to participate are encouraged to use Zoom.

Please click the link below to join the webinar: Direct Zoom Link:

<https://us02web.zoom.us/j/83816717958?pwd=K311VTd3WW9YNWJlBCSnVvTGdPZz09>

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Webinar ID: 838 1671 7958

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Passcode: 664266

The following members are present: John Rogers, chairperson, Todd Sullivan, Vesna Maneva, Stephen David and Debra Odeh. Member Grace Weller is absent. Conservation Agent, Karon Skinner Catrone was also present.

Public Hearing for Order of Conditions of Proposed Gas Station/Convenience Store Redevelopment – 394 & 396 Providence Highway DEP #338-0733.

Consideration of Proposed Minor Modifications to Environmental Impact & Design Review (EIDR)

Approval for Hanlon-Deerfield Elementary School Project affecting Landscape and Utilities Plans – 790 Gay Street.

Rob Fitzgerald from Dore & Whittier was present to discuss the clearing of trees and the fire access trail. It was designated to be 10 feet with an extra 4 feet on each side for the fire apparatus to get through. The site subcontractor for the tree clearing went beyond the boundaries. Immediately walked the site with the contractor and created a plan with the landscape architect. The Landscape Architect put together a plan, 260" of thickness of trees, with smaller and larger trees with Oak and Pine to replicate the forest. 150 blueberry bushes.

Planning Board Comments:

Red Oaks #7. *Jeff Toma: #7 is a 1" caliper tree.*

Under a 1" caliper tree, not sure it will survive. *Mr. Toma: Deer are an issue, recommend larger caliper 2", but there would be fewer.*

Who caught the oversight? *Mr. Fitzgerald: Walking onsite and it was noticed that the path was wider, Brait and Dore & Whittier.*

Comments regarding the rotted trees, may be overstepping, it may be a little out of bounds. There is a cost to remove the trees, there was no discount for the trees. *Mr. Fitzgerald: Catastrophic, a lot happened, miscommunication, should not be a reflection on the overall project. Have expressed remorse. Assure many eyes are on this project. Arborists take care of unsafe conditions.*

Make sure we are preventing. Needs to be clarification if more trees are being cut. *TJ Dahill: This particular operation, massive, could not see the over clearing, there was a lapse of communication.*

The green section is that the only area where plantings will be done? *Mr. Fitzgerald: No, it just represents that one small area and it will extend the entire stretch.*

Stumps still there, will they be ground, what is happening with them? *Mr. Toma: Propose to leave them in place so not to disturb the organic environment and plant trees around them.*

Were any trees deemed invasive? *Mr. Toma: They were not inventoried, not typically done.*

Do we have a replacement plan in case they die? *Mr. Fitzgerald: There is a warranty built in, 1 year maintenance, they would be replaced. Ms. Loughnane: We look after a year, but 5-10 years down the line they would be replaced.*

Conservation Committee Comments:

Mr. David stated he did a site walk with TJ, Mr. Toma, Nicholas Brait and the Conservation Committee. They were remorseful and the Builder would adopt the plan. Discussion about how many trees that felled. Is the actual plan representative of what was removed? Had BETA go out and look at the area. The plan is a good solution, but will be addressed at the next meeting by the Conservation Commission.

When will it happen? *Mr. David: Concerned about the time of year, and stock, slow the process down.*

The count proposed by BETA; count the trees rotted and removed for safety reasons.

Main concern, have BETA do an independent survey of what was removed. Want to replace inch for inch of trees removed inadvertently.

John Cummings: PBC Chair, Question on the number of the trees. They took down 24 trees and removed stumps.

What was the original plan for the lumber, were they sold or turned into wood chips? *TJ Dahill: the majority of the trees were used to chip and lined the road. Rob: The plantings are substantially more than the lumber. TJ: Is a significant cost \$100,000.*

Phil Paradis from BETA was present. They have not been reviewed.

Public Comments:

Peter Schulerand typed in chat: I support this mitigation plan,

Fran Fusco, 20 Pine Lane typed in chat: Weren't the trees marked that were to be taken down? I understand there was always to be consistent supervision over this project. I don't feel planting a few replacement saplings for larger trees that were taken down is enough mitigation. It would take many years to get the growth to where it was before the destruction. The town has paid the contractor for tree removal. Shouldn't we be reimbursed for the entire tree removal? *Mr. David: This is a replacement plan, need to reach out to Town Counsel, Any caliper tree over 4" will be counted. Jeff's plan is over and above and we want to be accurate and this will compensate the Town.*

Ms. Wallace, 283 Farm Lane typed in chat: I like the follow up by the Conservation Commission to clarify the number of trees. I am hearing that saplings may have been cut but not considered to be significant or included in the count. Yet we are being asked to accept one inch trees that I would consider to be saplings. I request as mentioned by a Planning Board member that trees be a 2 inch minimum or more. *Mr. Toma: Smaller caliper trees have a better chance of growing and thriving.*

Nancy Hyde: The Permanent Building Committee deals with the contract, the PBC will deal with the terms of the contract, so the Conservation Commission may not have to deal with it.

Mr.J. Previterra was present: Steps can be taken to prevent further damage.

Board Comments:

Mitigation trees, a year later, should the trees be eaten, will they be replaced? *Mr. Toma: We need to come up with an agreement.*

Smaller trees are cheaper than larger trees. *Mr. Toma: Does a lot of tree mitigation in MA, inch for inch replacement, it is standard practice.*

Drainage Changes.

Steven Ventresca from Nitsch Engineering was present to discuss the updated storm water plan. Meets storm water requirements and has been viewed by BETA.

BETA comments, Phil Paradis was present, thinks it is an improvement and it is easier for Westwood DPW to maintain. He wants edits and it should be added to the O&M plan.

DPW comment recommends approval.

Planning Board Comments:

Where will the main water line go, will trees be removed? *Mr. Ventresca: Revised the water line to go around to avoid the trees.*

Bottom of the map, a wetlands boundary. *Mr. Ventresca: We are outside that buffer. Do we need to review it? Mr. Ventresca: He does not think so.*

Conservation Commission Comments:

In support.

Confirm the slope? *Mr. Ventresca: It's a 3 to 1 slope, or less.*

Public Comments:

Mr. J. Previtera: Rain Gardens are a terrific idea.

Action Taken:

Ms. Wynne adopted the motion, to move that the Planning Board find the proposed utility plan modifications to the Environmental Impact & Design Review Approval for the Hanlon-Deerfield Elementary School Project to be Minor in nature.

Ms. Rollings, second the motion.

Roll Call Vote:

Ellen Larkin Rollings-Yes

Kathleen Wynne-Yes

Joshua C. Ames-Yes

Philip M. Giordano-Yes

Christopher A. Pfaff-Yes

Ms. Wynne move that the Planning Board grant the proposed utility plan modifications to the Limited Environmental Impact & Design Review (EIDR) Approval for the Hanlon-Deerfield Elementary School Project as described in the Application therefore submitted to the Planning Board and filed in the Office of the Town Clerk on September 15, 2022, subject to the following conditions:

1. Except as modified by the conditions and findings hereof, the Project shall comply with the Project Plans, and with the conditions of all prior approvals, in all respects, and the Applicant shall pursue completion of the project with reasonable diligence and continuity.
2. The Applicant shall submit a final revised plan set, including civil site plans and architectural design plans, revised to incorporate all approved modifications, in PDF format. Said plan set shall be submitted to the Town Planner for the Planning Board's file.
3. The Applicant shall revise the Operations & Maintenance (O&M) Plan to reflect the proposed utility plan changes and shall submit the revised O&M Plan for review and approval by the Town Planner.
4. If the Project, or any Condition imposed in this Decision, requires permit, license, or other approval from any board or commission, including the Westwood Conservation Commission, Westwood Zoning Board of Appeals, Westwood Select Board, or any agency of the Town of Westwood, or other regulatory agency of the Commonwealth or the federal government, the Applicant shall make an appropriate application for the same. If any condition of such permit, license, or other approval from any other board, committee, or agency is

inconsistent with this Decision, the Applicant shall make application to the Planning Board for an amendment of this Decision, and the Planning Board shall consider such application in accordance with the requirements of M.G.L. Chapter 40A §9 and all applicable Planning Board rules and regulations.

5. A revised landscape restoration plan shall be submitted for further review and approval by the Planning Board at a future meeting.
6. A copy of this Decision and the Project Plans shall be kept on the Project Site at all times during construction.

Mr. Ames, second the motion.

Roll Call Vote:

Ellen Larkin Rollings-Yes

Kathleen Wynne-Yes

Joshua C. Ames-Yes

Philip M. Giordano-Yes

Christopher A. Pfaff-Yes

The Conservation Commission made a motion/second to continue their next meeting to October 12, 2022 at 7pm.

Public Comments:

None.

Action Taken:

Upon a motion made by Mr. David and seconded by Mr. Sullivan, the Conservation Commission voted in favor (5-0) via roll call vote to continue its hearing to June 29, 2022 at 7pm via Zoom.

Peer Review comments will take 3 weeks.

Motion made by Mr. David, seconded by Ms. Odeh, to adjourn the Conservation Commission meeting. Unanimous.

Note: Agenda items and order subject to change